

**The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists**

**November 12, 2008**

**10:00 a.m.**

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted, Wednesday, November 12, 2008, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

**Members Present**

Cheryl Bentley, Board Chair  
Jane Faith, Secretary  
Rita L. Dillman  
Leona Gilliam  
Erin Eliassen  
Carolyn Breeding  
Mara Beth Womack

**Occupations and Professions**

Karen Lockett, Board Administrator  
Gerald Hoppmann, Director  
Barbara Rucker, Administrative Section Supervisor

**Office of the Attorney General**

Michael West, Board Counsel

**Members Absent**

**Others in Attendance**

Myrna M. Wesley, KDA Representative  
Toni G. Rodgers

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**Call to Order**

Ms. Bentley called the meeting to order at 10:05 a.m.

**Oath of Office**

Ms. Janet Cox from the Division of Occupations and Professions welcomed and swore in two (2) newly appointed board members: Ms. Carolyn Breeding (Licensed Dietitian) and Ms. Mara Beth Womack (Citizen-at-Large). Ms. Cox, Notary Public, signed the certificates for both newly appointed board members.

**Approval of Minutes**

Ms. Dillman made a motion to approve the September 24, 2008 minutes. Ms. Faith seconded the motion. Motion carried.

**Approval of Financial Statement**

Ms. L. Gilliam made a motion to approve the financial statement as submitted. Ms. Eliassen seconded the motion. Motion carried.

**Director's Report**

**New Business**

Ms. Faith made a motion to send plaques to the two (2) former board members whose term expired: Ms. Karen Gilliam and Ms. Cynthia Matthews. Ms. Carolyn Breeding seconded the motion. Motion carried. (Ms. Gilliam's term expired and Ms. Breeding was her replacement. Ms. Matthews' term expired and Ms. Womack was her replacement.)

The Board discussed issues to consider for bill proposals for the 2009 General Session: (1) statutory changes to allow the annual renewal to be a longer period of time, and (2) whether to allow temporary licenses/certificates in order to expedite an applicant's ability to begin employment. As an example, the board reviewed language regarding temporary licenses as it relates to speech-language pathologist, speech-language pathology assistant, and audiologist in 334A.181 and 201 KAR 17:014.

Ms. Faith commented that because the 2009 General Session will be a short session and because more preparatory time would be needed that these matters should be consider later. The Board discussed whether licensee and certificate holders would be favorable or unfavorable of a longer renewal period and the Board discussed advantages and disadvantages that had been questioned about this during previous

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discussions. The Board did not vote to allow temporary license/certification at this time, but instead voted to form a Review Committee.

Mr. Hoppmann suggested that the board delegate authority a Review Committee consisting of two (2) board members to review applications, reinstatements, and continuing education between board meetings in order to reduce the waiting time for applicants to receive approval, deferments, or denials. The board discussed that audits would not be included because that would be too labor intensive for a two (2) member committee. Ms. Bentley informed the Board and Mr. West, new Counsel for the Board, that Mr. Ryan Hollaran, from the Office of the Attorney General (OAG), planned to consult with other attorneys at the OAG to get their opinions as to whether the Board has the authority to delegate this responsibility to Board members outside board meetings. Mr. West advised the Board that the Board may form such a committee and go forward with this action; however, he will follow-up with Mr. Hollaran to see if a conclusion has been reached regarding this matter and he will provide an opinion to the Board at the next board meeting. Ms. Breeding made a motion to form a two (2) member Review Committee to review applications, reinstatements, and continuing education between board meetings. Ms. Faith seconded the motion. Motion carried. Ms. Breeding made a motion for Jane Faith and Leona Gilliam to serve on the Review Committee. Ms. Dillman seconded the motion. Motion carried. Ms. Faith made a motion to approve the two (2) board members to serve on the Review Committee for a six (6) month period then change the committee members. Ms. Dillman seconded the motion. Motion carried.

Ms. Faith made a motion to create a Legislative Committee and to appoint Ms. Bentley and two (2) other Board members, appointed by Ms. Bentley, to serve on this committee to address changes needed in regulations and statutes. Ms. L. Gilliam seconded the motion. Motion carried. The Board discussed that a Kentucky Dietetic Association (KDA) member may be invited to participate in an ad hoc committee. Mr. West suggested, and the Board was favorable, that a special meeting could be used to address the changes needed in the regulations and statutes.

Ms. Wesley, KDA representative, suggested that the Board consider adding an examination requirement for becoming a Certified Nutritionist. She discussed that dietitians are required to have successfully completed a registration examination, but Certified Nutritionist are not currently required to take an examination that demonstrates professional competency. Additionally, Ms. Wesley suggested that the Board consider Kentucky licensure for Registered Dietetic Technicians.

Mr. West, Board Counsel, will send a letter to the Nutrition and You Health Center in response to a concern communicated to the Board about this business being listed under the "Nutritionists" section of the Better Business Bureau directory. Mr. West will request a reply that includes the names and qualifications of all nutritionists practicing at that business. Once the business provides the requested information, then a determination can be reached as to whether further action is warranted.

Ms. Dillman made a motion to notify licensees and certificate holders of the sixty (60) day grace period via mail. Ms. Womack seconded the motion. Motion carried.

Mr. Hoppmann suggested that the Board form a Complaint Committee. Mr. Hoppmann explained the complaint committee process. Ms. L. Gilliam made a motion for the board to form a Complaint Committee of two (2) Board members: Ms. Dillman and Ms. Eliassen. Ms. Womack seconded the motion. Motion carried.

**Old Business**

The Board discussed SB 158, 201 KAR 33:020, and 201 KAR 33:030. Ms. Eliassen discussed the drafted amended language in 201 KAR 33:015. Ms. Eliassen suggested further amended language regarding coursework. After further discussion and input from the Ms. Wesley, Ms. Eliassen, and other Board members, the Board decided to change the proposed language in Section 2(2) from thirty (30) semester hours to forty-five (45) semester hours; change the proposed language of forty-five (45) quarter hours to sixty-eight (68) quarter hours; and, at the end of Section 2(2) add "in each of the following areas:". Also, the Board discussed

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the edition in Section 3(1)(a) and (b) should be amended, as applicable. The proposed language will be incorporate into the draft amended regulation and it will be resubmitted to the Board at the next scheduled board meeting.

The board discussed continuing education requirements and fees for reinstatement. Ms. Bentley requested that Mr. West consider this further and provide an opinion to the Board at the next meeting.

Mr. Hoppmann informed the Board that the Humana Corporate Office is supposed to contact him regarding his inquiry about Ms. Jane Gates. Mr. Hoppmann will send a cease and desist letter to Ms. Gates if he is not notified of her employment status.

Mr. Hoppmann informed the Board that the Public Protection Cabinet, Office of Inspector General's investigation on Erin Brantley is still ongoing.

The Board discussed updating the address for the Division of Occupations and Professions in applicable administrative regulations through technical amendments via Legislative Research Commission (LRC). Mr. Hoppmann will contact the LRC to request that the obsolete address be changed to the current address through technical amendments by the LRC.

The Board discussed a change needed in 201 KAR 33:020 Section 3 because the language currently states that upon revocation, a licensee or certificate holder "shall" be sent notice at the last known address available to the board that license or certificate has been revoked and that he or she shall cease and desist practice. The amendment is to change "shall" to "may" with respect to sending cease and desist notices. The term "shall" requires the board to send a cease and desist notice; whereas, the term "may" is permissive language. Mr. Hoppmann will amend the language and send it to Mr. Michael West, Board Counsel, for review and approval prior to filing it with the LRC. This amendment is being done in response to an email dated August 28, 2008 from Emily Harkenrider at the LRC to Mr. Hoppmann. In the email communication Ms. Harkenrider stated it had come to the attention of the LRC that 201 KAR 33:020, Section 3 appeared to conflict with the authorizing statute, KRS 310.050(4) and she requested that an amendment be done to remove the provision that notice shall be sent if a license or certificate is revoked, since KRS 310.050(4) specifically states that "A licensee or certificate holder who fails to renew his or her license or certificate within sixty (60) days after renewal becomes due shall have the license or certificate automatically revoked without further notice or hearing." Ms. Harkenrider further noted that it appeared that the statute actually prohibits the provision established in the administrative regulation and she suggested if an amendment is needed in the statute, rather than the administrative regulation, to contact the LRC on how to proceed.

The Board discussed several issues of concern regarding the database. (1) The Board informed the Division of Occupations and Professions staff that the online renewal process is not allowing the dual licensees/certificate holders to renew both credentials online. (2) The Board discussed that a new licensee attempted to renew online and was unable because of the continuing education exemption that is applicable for new licensees. (3) The Board discussed that there has been feedback that all licensee and certificate holders are not receiving the annual renewal notice. The Board communicated that they expect each licensee and certificate holder to receive the annual renewal notice. (4) The Board discussed that the Division of Occupations and Professions has communicated that licensee and certificate holders do not receive an annual renewal notice if the employment field in the database is incomplete. The Board communicated that this matter needs to be resolved so that renewal notices are sent to all licensee and certificate holders, whether or not the employment field is complete on the application or the database. (5) Mr. Hoppmann discussed that the Division of Occupations and Professions will be able to separate the licensee and certificate holders that are renewing for the first time from those being audited, so they are not included in the audit because there is no reason to audit them since they are exempt from the continuing education requirements. Mr. Hoppmann discussed that there is a charge for getting an estimate on the cost to update the database. Ms. Faith made a motion for Mr.

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Hoppmann to get an estimate of the cost to update the database and the cost for getting the estimate should not exceed \$1, 000.00. Ms. Womack seconded the motion. Motion carried.

**Continuing Education Requests**

Ms. Faith made a motion that the following continuing education program(s) and hours be **approved or denied as follows**:

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- Ellen Behrend – Martha Gregory & Assoc., Inc. Regional Mtg. – Approved for 4.0 hours
- Catherine Brown – Pediatric Feeding Disorders: Evaluation and Treatment – Approved for 6.0 hours
- Bonnie Holt – Nutrition and Breastfeeding Conference – Approved for 12.6 hours
- Bonnie Holt – Pediatric Feeding Disorders: Evaluation and Treatment – Approved for 6.0 hours
- Lake Cumberland Regional Hospital – Nutrition in Bariatrics – Approved for 1.5 hours
- Autumn Mastroianni – The APO E Gene Diet Breaking through in treating chronic illness – Approved for 2.0 hours
- Autumn Mastroianni – Energy Availability: Elite Female Ballet Dancers – Approved for 1.0 hours
- Autumn Mastroianni – 089011 WH DPG Teleforum: You can Breastfeed Twins – Approved for 1.0 hours
- Karen B. McNees – Weight Control and Eating Disorders – Approved for 8.0 hours
- Kara Pendergrass – Conditions of Coverage-Draft – Approved for 2.0 hours
- Kara Pendergrass – Quality Assessments Performance Improvement – Approved for 1.0 hours
- Rebecca Wright – Moving Bariatric Nursing Forward – Approved for 10.0 hours
- Toni Rodgers – Early Management of Type 2 Diabetes & Clinical Strategies & Practical applications – Approved for 1.5 hours
- Toni Rodgers – Core Concepts in Diabetes Education: A Patient Education Guide for Healthcare Professionals – Approved for 1.5 hours
- Chesla Fox – WVEKY Regional Nutrition Meeting – Deferred for 3.5 hours
- Kerri Hayden – Renal Nutrition Specialty Self-Assessment Simulations – Deferred for 5.0 hours
- Lisa Tucker – Nutrition in Bariatrics – Deferred for 1.0 hours
- Janet White – WVEKY Regional Nutrition Meeting – Deferred for 3.5 hours
- Lisa Williams – WVEKY Regional Nutrition Meeting – Deferred for 3.5 hours

Ms. L. Gilliam seconded the motion. Motion carried

**Applications for Licensure**

Ms. Faith made a motion to **approve** the following applications for licensure:

Joann Airaghi, Laura Atcher, Frances A. Bachmeyer, Dustin Cooper, Joella L. Crowder, Rae E. Elizagaray, Holly Freeman, Emily Marvel, Kathleen M. Schmitz, and Julie Tate. Ms. L. Gilliam seconded the motion. Motion carried.

**Applications for Reinstatement**

Ms. Faith made a motion to **approve** the following applications for reinstatement: Armanda Brunicardi and Sarah Blocher-Steiner. Included in the motion was to **defer**: Shea M. Heady, Karen Pryor, Jane Snyder, and Tracie M. Winder. Ms. L. Gilliam seconded the motion. Motion carried.

**Audit Renewal Reviews**

Ms. Dillman made a motion to **approve** the following audit renewals: Janenne Abney, Nancy K. Adams, Shelley B. Barber, Rebekah Basham, Janice B. Blythe, Suzanne M. Boone, Chastity L. Bradshaw, Barbara A. Brodt, Linda Brooks, Melissa Cambron, Martha de Campos, Gina Casey, Elizabeth A. Cecil, Chastity H. Conley, Vivian Cooper, Joanne K. Cybulaski, Barbara Day, Amy Deskins, Cassandra C. Downing, Michelle C.S. Eckhart, Terina Hoskins Edington, Regina Goodpaster, Marjorie Grieshop, Gay Leah Hart, Sherri Ann Hoffman, Lisa T. Hollowell, Julia Howard, Lori E. Howard, Teresia Huddleston, Melody Jones, Beverly K. Kastan, Sheri Legg,

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Barbin Lewis, Paula M. Mallory, Amanda Neiheisel, Dana O'Meallie, Allison R. Ott, Nicki N. Patrick, Susan Peacock, Marcia E. Peede, Melanie J. Perry, Stephen Perry, Shirley Pittman, Elizabeth A. Pohlabein, Irene M. Rawlings, Lynnett L. Renner, Whitney G. Rich, Lisa Marie Roberson, Lisa Rowlett, Kristen R. Rudolph, Marilyn Y. Sampley, Melinda G. Ruplinger, Amy H. Sanders, Joy F. Satek, Brandi E. Sentz, Sandra B. Shirley, Angela E. Slitzer, Samantha K. Stratton, Tia R. Suter, Aric S. Trent, Ahna G. Venezia, Valerie Ann Wall,

Meredith L. Wallace, Sue Ellen Wilkerson, Amy Williams Lisa L. Williams, Lori B. Williams, Cathleen S. Winston, Carol F. Workman and Susan S. Yaple. Included in the motion was to **defer:** Margaret A. Adkins, David S. Berringer, Abby L. Cunningham, Brenda S. Debord, Genelle W. Hix, Ngohide G. Okpokho, Linda M. Seese, and Brenda Kae Zahn. Ms. L. Gilliam seconded the motion. Motion carried.

**Scheduled Meetings**

The next meeting will be on Wednesday, January 28, 2009 beginning at 10:00 a.m. at the Division of Occupations and Professions located at 911 Leawood Drive, Frankfort, Kentucky.

The Board decided to continue to meet at 10:00 am on the last Wednesday of every other month during 2009, beginning with a meeting in January. The exception to this schedule is November 2009. The Board decided to meet on November 18, 2009, rather than the last Wednesday in November 2009. Below are the dates that the Board plans to meet in 2009:

January 28, 2009  
March 25, 2009  
May 27, 2009  
July 29, 2009  
September 30, 2009  
November 18, 2009

**Approval for Travel and Per Diem**

Ms. Faith made a motion to approve travel for Ms. Karen Gilliam because she came with plans to attend today's meeting and to approve travel and per diem for the other board members that were present. Ms. L. Gilliam seconded the motion. Motion carried.

**Adjournment**

Ms. Faith made a motion that the meeting be adjourned. Ms. L. Gilliam seconded the motion. The meeting was adjourned at 4:35 p.m.

Approved:



Cheryl Bentley, Chairperson  
Minutes Prepared by  
Karen Lockett, Board Administrator  
November 12, 2008